

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN THE MATTER OF THE COMPLAINT

Civil Action No.: 18-cv-02727

- OF -

AFFIDAVIT

BULLET SERVICES, INC., and JEFFREY NAGLER
As owner and/or Owners pro hac vice of a 1964, 65 foot
passenger vessel named "CAPTAIN MIDNIGHT"
for exoneration from limitation of Liability,

Petitioners.
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STATE OF *Florida* SS:
COUNTY OF *Palmer Beach*.

IRA BROWN, being duly sworn, deposes and says:

1. That I am the respondent in the within proceeding and I am the plaintiff in the New York State action Brown v. Bullet Services, LLC, et al, Supreme Court, Kings County, Index No.: 508220/2017.
2. I make this affidavit in support of this motion to dismiss the Petitioners' action seeking exoneration from, or limitation of liability to me, in connection with the claims I asserted arising from an accident which I was involved upon the boat, Captain Midnight on August 24, 2016.
3. I had worked with Mr. Nagler on his boats for several years before my accident. I know from numerous conversations with Mr. Nagler that he was the sole owner of Bullet Services.
4. Mr. Nagler owned several boats, and he called the group of boats the "Midnight Fleet". He conducted a charter fishing boat business under the name "Midnight Fleet", and the Captain Midnight was one of those boats. My job was to assist customers who paid to fish from the boats.
5. On August 24, 2016, I was working on the Captain Midnight, as a helper. At that time, Mr. Nagler was captaining the boat. My accident occurred while I tried to descend one of the boat's


staircases, and I slipped because of the dangerous condition of the stairs. They were worn, dangerously steep, painted with a glossy, slippery paint and lacking of any no-slip protection, as is customarily found on ship steps.

6. As a result of the accident, I sustained serious injuries, including a displaced bimalleolar fracture of my lower leg requiring surgery.

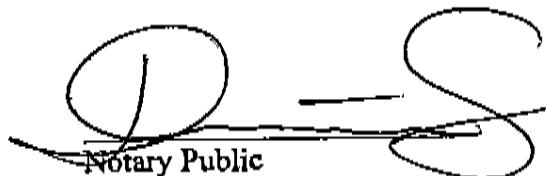
7. At the time of my accident, Mr. Nagler was on the ship, acting as its captain.

Dated:

Nov 26, 2018


IRA BROWN

Sworn before me this 26th.
____ day of Nov., 2018


Notary Public

